

POLICE/SHERIFF'S DEPARTMENT		GENERAL ORDERS	
SUBJECT: Evidence		NUMBER: 2-15	
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AMENDS/SUPERSEDES: GO 2-15, January 1988		APPROVED: _____ Chief of Police/Sheriff	
CALEA STANDARDS: 83.1, 83.2, 83.3		VLEPSC STANDARDS: ADM.16.01-.05, ADM.23.03, OPR.02.01, OPR.02.03, OPR.03.05	

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

Alcoholic beverages
Chain of custody
Crime scene
Evidence
Evidence custodian
Exclusionary rule
Photographs (crime scene)
Preservation of evidence
Property
Weapons (as evidence)

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer

collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

To establish responsibilities for officers/investigators in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

III. DEFINITIONS

A. Chain of custody

The chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when they did so.

B. Exclusionary rule

The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment rights cannot be admitted in court.

C. Evidence

Any substance or material found or recovered in connection with a criminal investigation.

D. Evidence custodian

The evidence custodian is the employee designated by the chief/sheriff to have administrative oversight over all found or confiscated property which comes into departmental possession.

[Note: Some agencies may have an evidence technician, a sworn or non-sworn person who is trained and equipped to process crime scenes. A sample description:

The evidence technician searches for, collects, identifies, preserves, and inventories physical evidence at crime scenes and major traffic accidents. The technician photographs, measures, and sketches scenes as dictated by the nature of the investigation, and completes all appropriate reports. The technician transports evidence to storage, logs all evidence, processes requests for technical services, and appears in court as required. The technician also attends autopsies, photographs them as required, and takes into custody any physical evidence produced by the autopsy.]

IV. PROCEDURES - General crime scene processing

A. Responsibilities of the first officer at a crime scene

The officer responding to a crime scene shall perform the following:

1. Arrive at the scene promptly and safely.
2. Protect the scene to prevent the destruction or contamination of evidence.
3. Prepare the original offense report.
4. Locate, collect, preserve, and package evidence.
5. Locate witnesses.
6. Photograph and sketch the scene when appropriate.
7. Submit evidence to the forensic lab for analysis. (See GO 2-14 for a discussion of preliminary and investigative procedures at crime scenes.)

B. Crime scene processing by an investigator

Certain serious offenses of the type listed in GO 2-14 require that an investigator or a crime-scene technician process the crime scene.

C. Crime scene processing equipment

1. The officer/investigator responding to a crime scene shall make a determination of equipment needed for processing. The department maintains a complete evidence collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).
2. Use of property and evidence form:
 - a. The property and evidence form shall be used for all property coming into custody of the department.
 - b. When handling property that may be lost/found and not evidence, give the citizen who turns the property over to the department a copy of the form.
3. Record the case number on the property and evidence form and on all supplements or continuation sheets.

D. Crime scene sketch

Before moving objects at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), officers shall prepare a sketch of the scene. Minimum detail to be contained in the sketch includes the following:

1. Time and date of preparation.
2. Location of offense.
3. Location of items of evidence in the scene and their relationships to one another, including any items which appear displaced or damaged.
4. Location and names of victims, witnesses, and suspects.
5. Relationship of the crime scene to other rooms, buildings, or roads.
6. Name of person preparing the sketch.
7. Direction of north.
8. Scale.
9. Location of lights and whether they are on/off.
10. Location of windows and whether they are open/shut.
11. Location of radio/television and whether they are on or off.

E. Photographing the scene - general

At the end of the preliminary scene survey, overall photographs of the scene shall be taken from several vantage points. Use a wide-angle lens to obtain an overall establishing view, followed by medium shots and close-ups as appropriate.

F. Information to be recorded on photographs

The officer shall record the following information about each photo:

1. Type of camera used.
2. Type of lighting used (existing light or flash).
3. Date and time of exposure.
4. Person taking photos.

5. A brief description of subject in photos.
6. Kind of film used.
7. Case number.

G. Midrange photography

Midrange photography is used to orient the viewer to the exact location of items of evidence in the scene.

1. If possible, the officer shall include two items of evidence within the field of view. If this is not possible, then a common item (desk, bed, table, etc.) should be included in all the midrange photos.
2. Midrange photos shall always be taken with a standard lens to prevent distortion.

H. Close-up photography

Before any item of evidence is moved, a close-up photograph shall be taken according to the following requirements:

1. Fill the field of vision with the item.
2. Take one close-up shot of the item with a scale. A ruler in the evidence collection kit can be used for this purpose.
3. Place a strip of masking tape across the face of the ruler, making sure not to cover the measuring increments. Record the following information on the tape:
 - a. Item number.
 - b. Case number.
 - c. Date.
 - d. Officer's initials.

I. Location of evidence - measurements

Before collecting any item of evidence, take measurements using triangulation or the coordinate method.

J. Latent fingerprinting

Fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.

K. Overall measurements

Obtaining wall, room, and building measurements is one of the last operations to be performed in processing the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.

L. Final organized search

Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use an officer who has not participated in processing the scene.

M. Documentation

1. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in the offense/incident report and shall include the following:
 - a. Date and time the officer arrived at the scene.
 - b. The location of the crime.
 - c. The name of the victim, if any.
 - d. The name of the suspects, if any.
 - e. The officer's actions at the scene.
 - f. The case number.
2. All evidence shall be properly and prominently tagged or identified. In addition to the property report, the recovering officer shall complete a property card for the evidence custodian.

N. Legal requirements

Officers shall observe principles regarding the legal use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in

observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

V. PROCEDURES - Evidence and property control

A. Collection of evidence

1. When collecting evidence, the officer shall use tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Refer to GO 2-34, communicable diseases. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials. The evidence custodian in consultation with an evidence technician shall decide the best disposition of such items.
3. If a firearm is present at the crime scene, do not unload it. The evidence technician shall unload the weapon: the evidence technician must examine the weapon in its exact condition as when it was discovered. ***[Additional instruction on safety guidelines may be useful.]***
4. Proper order of collection
 - a. Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.
 - b. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.
5. Collection of samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items of hairs, fibers, paint, glass, soil, and tool marks.
6. Documentation of each item collected: The officer processing the crime scene shall list each item collected on the evidence recovery log. Note the following information for each item.
 - a. A complete description of the item (including make, model, and serial numbers, if any);

- b. The source (from whom or location from which the item was obtained); and
- c. The name of the person collecting the item.

B. Marking evidence

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to include the officer's name, date, time, location of recovery, item number, and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.
3. The evidence technician or the officer searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.
4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or where labels are used, ballpoint pens.
5. The officer who collects the evidence shall mark it.
6. Each officer or investigator shall develop his own identifying mark, normally his or her initials.

C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable to the type of evidence for packaging. Considerations in choosing the proper container include:
 - a. The size and weight of the item.
 - b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time).
2. Avoid any contamination of evidence by packaging all items separately.
3. Pack the item to minimize interior movement within the package.
4. Seal the package with tape and initial or sign across the seal.

5. Label the exterior of the package before placing the evidence within it.

D. Special circumstances

1. Weapons

- a. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
- b. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage. See section V.A.3.
- c. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/VCIN files.

2. Drugs and narcotics (see GO 2-16, narcotics enforcement.

3. Alcohol

- a. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
- b. The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is in itself illegal (see *Virginia Code* §§ 4.1-304 to -306). Contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.
- c. Alcoholic beverages seized or recovered which are not contraband or evidence shall be returned to the owner.

E. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or investigator who processed the crime scene is responsible for submitting evidence to the forensic laboratory.
2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence and submit it to the laboratory for analysis.
3. Preservation of perishable or deteriorating items:
 - a. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.

- b. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so they will be ready to receive it.
- c. In cases where immediate transport to the forensic lab is not possible, observe the following procedures.
 - (1) Refrigerate the evidence for not longer than one week and then transport to the lab.
 - (2) Air dry (no more than one week) and transport to lab.
 - (3) Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.
 - (4) ***[Insert specific procedures for submitting evidence to the forensic lab.]***

F. Administration of property and evidence

- 1. The processing officer, investigator, or property custodian shall, when possible, check all property against NCIC or VCIN records. ***[Agencies should specify a primary processing officer with overall responsibility and oversight for proper evidentiary procedures.]***
- 2. For property that may be lawfully released to the owner, the recovering officer, investigator, or property custodian shall immediately attempt to notify the owner (by telephone or letter) that the department is holding their property and to make arrangements to retrieve the property.
- 3. The investigator shall check the files monthly for property and evidence that is unclaimed or of no further evidentiary value, and to obtain from the recovering officer a signed release for disposal. Officers shall then make arrangements for returning property to the owner. ***[In some cases, the recovering officer and the investigator may be one and the same person. Agencies must carefully delineate evidentiary responsibilities to avoid any confusion.]***
- 4. The investigator shall ensure that final disposition of found, recovered, and evidentiary property is accomplished within sixty days after legal requirements have been satisfied, unless title to the evidence or property has

been awarded to the department by court order. The evidence custodian shall report any exceptions to the chief of police/sheriff.

5. The investigator *[or property custodian]* shall obtain the prosecutor's authorizing signature on the property form for release of any evidence on a case pending appeal. The investigator shall ascertain from the prosecutor when contraband may be destroyed and, upon approval, arrange for witnessed destruction or other disposal as soon as possible.

VI. EVIDENCE CUSTODIAN

- A. The evidence custodian shall have administrative control over all found or confiscated property that enters the property storage room and shall ensure that all stored confiscated or found property has been documented appropriately.
- B. The evidence custodian shall ensure that the property storage room is clean, orderly, and secure, and shall take necessary steps to ensure that all found or confiscated property is protected from damage, deterioration, or theft.
- C. The evidence custodian shall restrict access to the property storage room to the chief of police/sheriff or his designee. Access by other persons is prohibited as a general rule. Exceptions will be granted by the chief/sheriff. The evidence custodian shall maintain a log of all persons who enter the evidence storage room.
- D. The evidence custodian shall maintain a safe within the storage room for money, jewelry, weapons, precious metals, or narcotics.
 1. The evidence custodian shall count currency and separate it by denomination. Another employee will re-count the currency. The evidence custodian shall place the currency in an envelope, seal it, and both the custodian and the witness shall sign the envelope and date it.
- E. The evidence custodian shall maintain a refrigerator for the storage of perishable items.
- F. The evidence custodian shall maintain records on found or confiscated property which document the chain of custody. The evidence custodian shall maintain a master inventory of all found or confiscated property, whether stored in the authorized room or elsewhere.
- G. The evidence custodian shall release property only to authorized persons and may demand proof (such as a *subpoena duces tecum*) of legal necessity to take property.
- H. An annual inventory of evidence shall be conducted by the chief of police/sheriff or his designee, a person not routinely connected with evidence control. The evidence custodian shall facilitate the inspection.

